IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:11-CV-00296-FL

VEOLIA WATER SOLUTIONS &)	
TECHNOLOGIES SUPPORT,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	ORDER
V.)	ORDER
)	
SIEMENS INDUSTRY, INC.,)	
)	
Defendant/Counterclaimant.)	

This matter comes before the court now on motion to continue hearing set at New Bern August 22, 2012. In its order setting hearing the court noted plaintiff's motion to dismiss counterclaims and to strike affirmative defenses (DE # 25), defendant's motion for leave to amend (DE #30), and plaintiff's motion to strike (DE #44), are now ripe for ruling. The court commented that where defendant also has filed a motion for leave to file an amended answer and counterclaims (DE #48), which shortly will be ripe for ruling, and notified the court by letter dated July 25, 2012, of a discovery dispute regarding multiple issues raised by plaintiff and defendant, it did not discern the issues raised to be susceptible to resolution by telephone conference. Potential impact upon resolution of the pending motions also was noted.

The court set this matter for conference and hearing pursuant to Federal Rule of Civil Procedure 16(b), and directed the parties to file motions to compel discovery relating to the maters set forth in the July 25, 2012, letter, well in advance of August 22, 2012. The case returns itself to the court's attention on motion reciting conflict with a teaching obligation. Request is made to

continue the conference and hearing to the following day, which request the court is unable to accommodate. The conference and hearing shall proceed now by telephone at the date and time noticed however with regard to the attorney's constraints. Counsel shall promptly confirm attendance by telephone with the case manager and in any event by not later than the close of business Wednesday, through provision to Ms. Baker of their telephone numbers so the case manager may schedule a professional conference operator and in turn provide necessary dial-in information to the participants.

SO ORDERED, this the 10th day of August, 2012.

United States District Judge